

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 24-CV-22849-RAR

NERLYNE AUGUSTE,

Plaintiff,

v.

DESH INCOME TAX & IMMIGRATION SERVICES, LLC, *et al.*,

Defendants.

ORDER IN ACTIONS BROUGHT UNDER THE FAIR LABOR STANDARDS ACT

THIS MATTER comes before the Court *sua sponte*. The Complaint in this action includes numerous counts under the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* (“FLSA”). To assist the Court in the management of this case, and in an effort to foster early and cost-effective resolution, the parties are **ORDERED** to comply with the following procedures:

1. Under Rule 8 of the Federal Rules of Civil Procedure, a plaintiff is required to state a “short and plain statement of the claim.” While this Rule places only a light burden on a plaintiff, the Court requires complaints filed under the FLSA to include, at a minimum, a statement setting forth the following with respect to Plaintiff:

- a. An initial estimate of the total amount of alleged unpaid wages;
- b. A preliminary calculation of such wages;
- c. The approximate period during which the alleged FLSA violations occurred; and
- d. The nature of the wages (*e.g.*, overtime or straight time).

Plaintiff is directed to file a “*Statement of Claim*” (and if the Complaint does not contain the foregoing information, an amended complaint that conforms to these requirements), by **October 1, 2024**. Plaintiff shall promptly serve a copy of this Order, the Statement of Claim, and copies of

all supporting documents (including time sheets, pay stubs, etc.) upon counsel for Defendants once an appearance has been made or at the time the Statement of Claim is filed (if Defendants' counsel has already appeared).

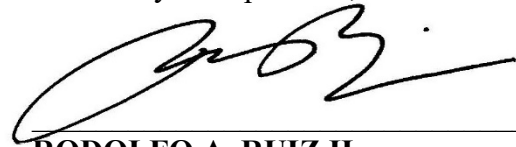
2. Defendants shall then file a "*Response to Plaintiff's Statement of Claim*" setting forth in detail any defenses to Plaintiff's claim(s) and serve copies of all supporting documents **within fourteen (14) days** of being served with Plaintiff's Statement of Claim.

3. This matter is **REFERRED** for purposes of a settlement conference before Magistrate Judge Lauren F. Louis. **Counsel shall follow Magistrate Judge Louis's procedures, entered separately, for scheduling a Settlement Conference.** Except as provided under Local Rule 16.2.E, the appearance of counsel and each party, or representatives of each party with full authority to enter into a full and complete settlement, is mandatory. All discussions, representations, and statements made at the settlement conference shall be confidential and privileged. If the case is settled at the settlement conference, counsel shall promptly notify the Court by filing a notice of settlement signed by counsel of record within **seven (7) days** of the conference.

4. In the event the settlement conference is unsuccessful, all parties are required to participate in subsequent mediation, which shall take place by the deadline contained in the Court's Scheduling Order, entered separately.

5. Failure to comply with **ANY** of these procedures may result in the imposition of appropriate sanctions, including but not limited to, the dismissal of this action or entry of default.

DONE AND ORDERED in Miami, Florida, this 17th day of September, 2024.



RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE